

Module 2: The VSMP Process and Plan Review

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Objectives

- Describe the role and responsibilities of a certified plan reviewer for compliance with the Virginia Stormwater Management Program.
- Explain the stormwater management plan review process and schedule.
- List the stormwater management plan components and minimum plan requirements for completeness.
- Discuss the purpose of the completeness and technical reviews.
- Relate the long-term maintenance agreement requirements to the stormwater management plan requirements
- Recall the components of the Stormwater Pollution Prevention Plan (SWPPP)
- Distinguish between applicability of Part IIB and Part IIC technical criteria.
- Discuss alternatives and exceptions for meeting stormwater management technical criteria.
- Discuss the Pollution Prevention (P2) plan requirements and considerations relevant for plan reviewers.
- Describe the components of the Construction General Permit and be able to distinguish with the local VSMP authority permit.
- Assemble plan review documentation and adhere to regulatory requirements.

2a. Overview

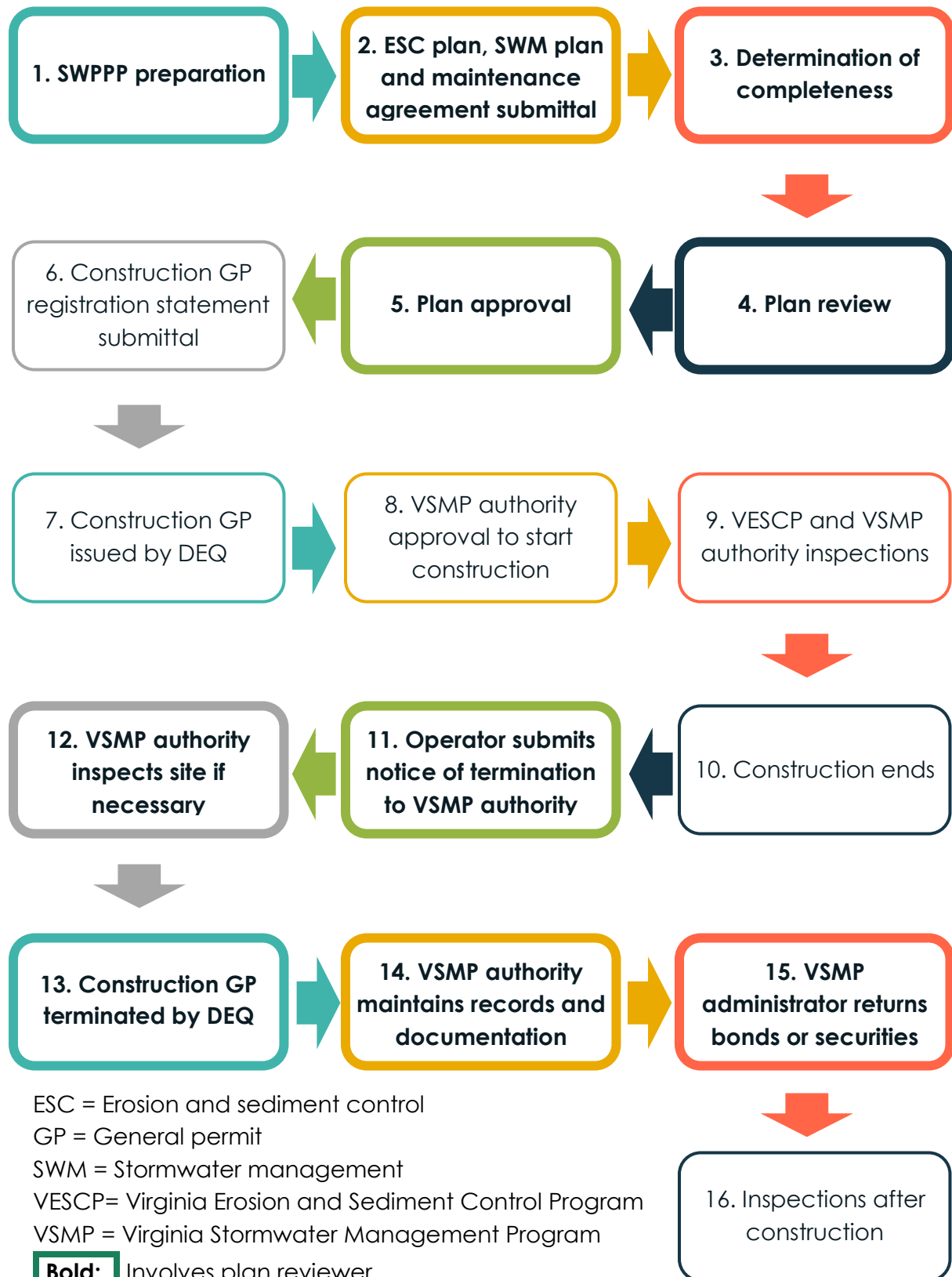
The VSMP Regulations lay out the process for submittal, review, and denial or approval of SWM plans. The flowchart below illustrates the VSMP process for land disturbing activities (LDAs) greater than or equal to 1 acre and along with the description below of the plan reviewer's role, highlights those components of the process that would involve the SWM plan reviewer.

PLAN REVIEWER ROLE

The plan reviewer plays an important role in the VSMP process. The critical components of that role include:

- Reviewing stormwater management (SWM) plans and supporting documents for approval by a VSMP authority to ensure that projects are in compliance with:
 - the Virginia Stormwater Management Program (VSMP),
 - the Virginia Erosion and Sediment Control Program (VESCP),
 - the Construction GP, and
 - any applicable local ordinances.
- Reviewing additional control measures to address TMDLs, which may be included on the SWM plan.
- Reviewing pollution prevention (P2) plan if submitted prior to permit issuance in accordance with a more stringent local VSMP authority program.
- Ensuring the review process adheres to regulatory timeframes.
- Reviewing SWM plan revisions after permit issuance and during construction if required.
- Assisting with the:
 - Review of construction record drawings and notice of terminations (NOTs) prior to termination of the Construction GP for LDAs as needed.
 - Retention of plans, construction record drawings, and other relevant documents as part of the project records for the required timeframes.

VSMP Process (LDAs ≥1 acre)



2b. Stormwater Management Plan Review Process



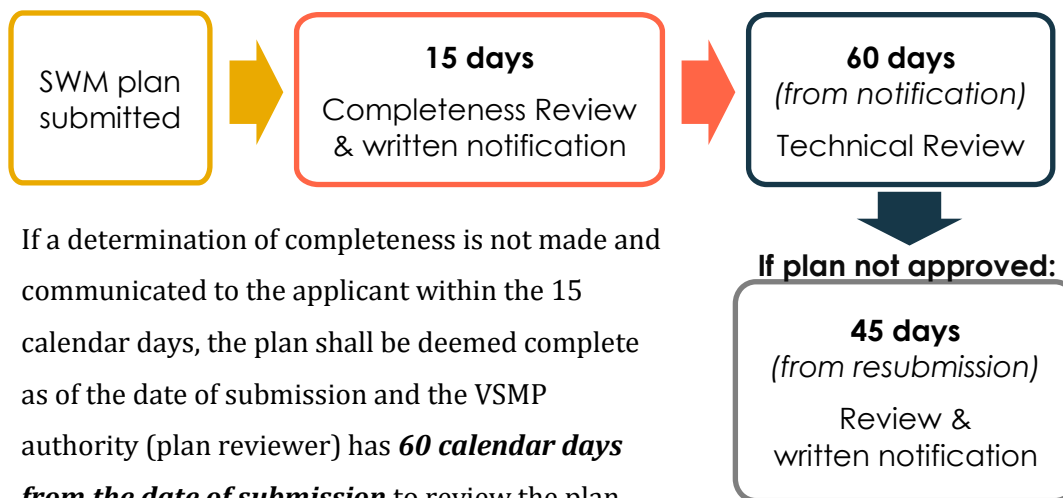
The VSMP authority's schedule, for both the administrative plan review (completeness review) and the technical review is set out in the Regulations.

PLAN REVIEW SCHEDULE

(§62.1-44.15:34, 9VAC25-870-108)

The VSMP authority has **15 calendar days** to determine the completeness of a stormwater management plan in accordance with 9VAC25-870-55 and notify the applicant (in writing) of its determination. If the plan is not complete, the VSMP authority must notify the applicant in writing or electronically of the reason(s).

If a plan is complete and the applicant has been notified within 15 days of submission, the VSMP authority has **60 calendar days from the time of notification** to review the plan.



If a determination of completeness is not made and communicated to the applicant within the 15 calendar days, the plan shall be deemed complete as of the date of submission and the VSMP authority (plan reviewer) has **60 calendar days from the date of submission** to review the plan.

The VSMP authority (plan reviewer) has **45 calendar days from the date of resubmission** to review a plan that was previously disapproved.

If a plan meets all the requirements of the Regulations and of the VSMP authority but no action is taken within the time specified above, then the plan is approved.

NOTE:

During the review period, the VSMP authority must notify the operator or the designated agent in writing of the decision to approve or disapprove the plan. The reason(s) for not approving a plan must be included.

MODIFICATIONS

(§62.1-44.15:34, 9VAC25-870-108)

The VSMP authority has 60 calendar days to respond in writing for plans that have been modified after approval with either an approval or disapproval.



Based on an inspection, the VSMP authority may require amendments to the approved stormwater management plan to address any deficiencies within a time frame set by the VSMP authority.

COMPLETENESS REVIEW

(§62.1-44.15:34, 9VAC25-870-108)

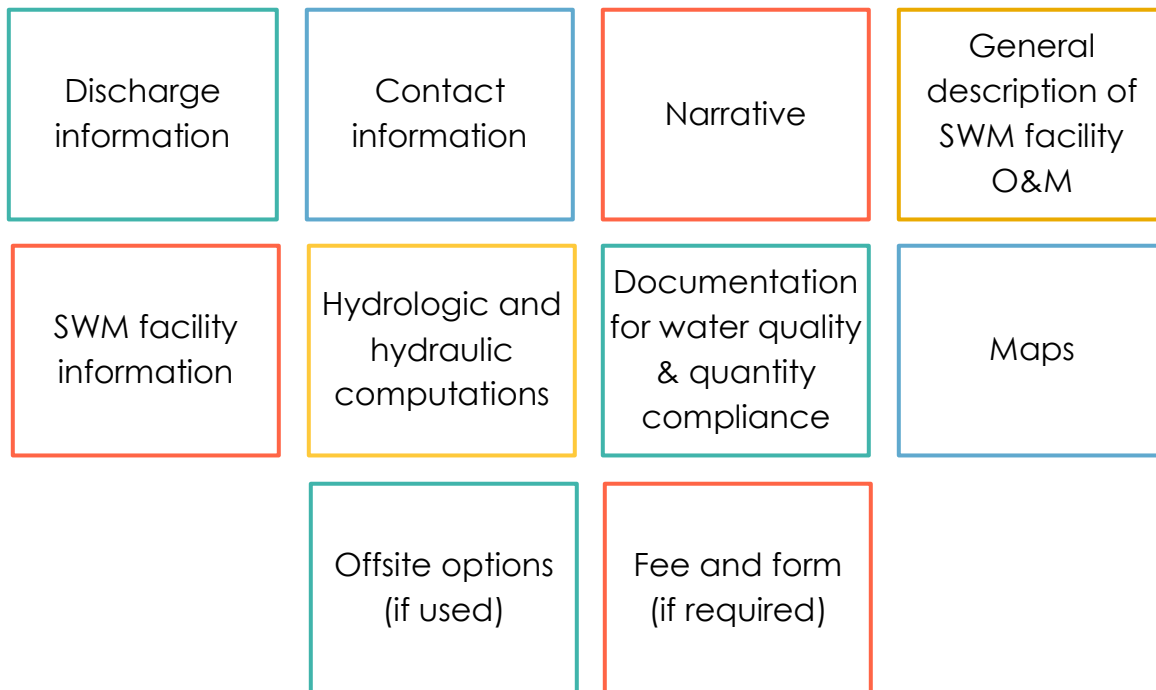
The purpose of the completeness review, typically performed by the SWM program administrator, is to determine if the minimum SWM plan components needed for a technical review are included with the submittal. The SWM plan components are shown and discussed below in the next section. The completeness review does not include the detailed technical review of the SWM plan. The technical review is conducted by the SWM plan reviewer and follows the determination of plan completeness. The purpose of the technical review is to check the SWM plan contents to ensure that all of the technical criteria are adequately addressed.

STORMWATER MANAGEMENT (SWM) PLAN COMPONENTS

(9VAC25-870-55)

The stormwater management plan is part of the SWPPP and it must be approved by the VSMP authority ***before*** the start of land disturbance. The plan outlines how stormwater leaving a site after construction will meet the necessary water quality and quantity technical criteria.

SWM plan contents:



1. Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including:
 - Surface waters or karst features if present; and
 - Pre-development and post-development drainage areas.
2. Contact information including:
 - Name, address, telephone number, and email address of the owner, and
 - Tax reference number and parcel number of the property or properties affected.

3. Narrative including:
 - Description of current site conditions and final site conditions, or
 - If allowed by the VSMP authority, the information provided and documented during the review process that address the current and final site conditions.
4. General description of the proposed stormwater management facilities and the mechanisms through which the facilities will be operated and maintained after construction is complete.
5. Information on the proposed stormwater management facilities including:
 - Type of facilities,
 - Location, including geographic coordinates,
 - Acres treated, and
 - Surface waters or karst features into which the facility will discharge.
6. Hydrologic and hydraulic computations, including runoff characteristics.
7. Documentation and calculations verifying compliance with the water quality and quantity requirements of the Regulations.
8. Map(s) of the site that depict the topography of the site and includes:
 - All contributing drainage areas,
 - Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains,
 - Soil types, karst features if present, forest cover, and other vegetative areas,
 - Current land use including existing structures, roads, and locations of known utilities and easements,
 - Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels,
 - Limits of clearing and grading, and the proposed drainage patterns on the site,
 - Proposed buildings, roads, parking areas, utilities, and stormwater management facilities, and

- Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
9. Letter of availability from the off-site provider if using off-site compliance options.
 10. Fee and form if required.

AGREEMENT IN LIEU OF A STORMWATER MANAGEMENT PLAN

(§62.1-44.15:24)

Instead of requiring the owner or permittee of a single family residence to submit a stormwater management plan, a VSMP authority may execute a contract with the owner that specifies methods that must be implemented to comply with the requirements of the VSMP. The agreement in lieu of a stormwater management plan can be downloaded from:

<http://deq.virginia.gov/programs/water/stormwatermanagement/vsmppermits/constructiongeneralpermit.aspx>

LONG-TERM MAINTENANCE AGREEMENTS

(9VAC25-870-112)

The long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff requirements must be set forth in an instrument recorded in the local land records prior to state permit termination or earlier as required by the VSMP authority. At a minimum, the agreement must:

- Be submitted for review and approval before the approval of the stormwater management plan;
- Be stated to run with the land;
- Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
- Provide for inspections and maintenance and the submission of inspection and maintenance reports to the VSMP authority; and
- Be enforceable by all appropriate governmental parties.

Individual residential lots

At the discretion of the VSMP authority, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an ***individual residential lot***, provided it is demonstrated to the satisfaction of the VSMP authority that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the VSMP authority.

Such a strategy may include periodic inspections, homeowner outreach and education, or other methods targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the VSMP authority.

SECURITY FOR PERFORMANCE

(§62.1-44.15:34)

Before plan approval, a VSMP authority ***may*** require an applicant, excluding state or federal entities, to submit a reasonable performance bond and must refund the bond within ***60 days*** of completion of permit requirements.

2c. Stormwater Management Plan Technical Review

The SWM plan reviewer has 60 days from the date of notification of completeness to complete a detailed technical review of the SWM plan. The technical review is conducted to ensure that the submitted plan demonstrates compliance with the requirements of the Construction GP and Part II A and either Part II B or II C of the VSMP Regulations. The criteria include post-construction stormwater management controls to address water quality and quantity. The submittal and therefore the plan review includes the plans, specifications, engineering calculations, and engineering models or studies used to demonstrate compliance. Likewise, the ESC plans and supporting documents are reviewed by the ESC plan reviewer to ensure compliance with the requirements of the Construction GP and the VESC Regulations, including Federal Effluent Guidelines and Virginia's Minimum Standards for ESC. Remember that both the ESC and the SWM plans must be reviewed and approved before issuance of the Construction GP. If revisions to the approved SWM or ESC plans are required during implementation, the appropriate certified plan reviewer must review the revisions for consistency with the applicable regulations and program.

The SWM plan reviewer must also confirm that the proposed post-construction BMPs are properly planned and designed in accordance with the specifications on the Virginia BMP Clearinghouse (2011 BMP specifications) or on the DEQ website (draft 2013 BMP specifications).

A sample technical plan review checklist is included in Appendix II and sample BMP review checklists are included in Appendix III. These checklists can be used to assist during the technical review in determining:

- Adequacy of the proposed plan,
- Adequacy of BMP designs, and
- Adequacy of documentation.

The checklists can also be used to notify the applicant of deficiencies found during the technical review. The sample checklists, or equivalent means of documenting technical review, may be incorporated into the VSMP authority's program for plan review and maintained with other VSMP documentation. The checklists can also be provided to applicants prior to plan submittal

to provide a means of self-checking plans for technical adequacy prior to submittal and potentially provide for a more efficient plan review process.

The different aspects of the SWM plan technical review is discussed in greater detail in later modules of this Participant Guide.

2d. Stormwater Management Plan Technical Criteria

As discussed in Module 2, the Regulations include technical criteria that must be met in the stormwater management plan. There are two sets of criteria – II B and II C. The following two sections explain how a VSMP authority determines which criteria apply to a project.

TIME LIMITS OF TECHNICAL CRITERIA APPLICABILITY

(9VAC25-870-47B)

Permits issued before July 1, 2014

Land-disturbing activities that obtained state permit coverage or started land disturbance before July 1, 2014, must meet the Part II C technical criteria. Such projects shall remain subject to the Part IIC technical criteria for two additional permit cycles (permit cycle is five ears). After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.



Permits issued July 1, 2014 and after

Land-disturbing activities that obtained an initial state permit on or after July 1, 2014 must meet the Part II B technical criteria, with the exception of grandfathered projects. Land-disturbing activities conducted in accordance with the Part II B technical criteria shall remain subject to the Part II B technical criteria for two additional state permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.



GRANDFATHERING

(9VAC25-870-48)

The grandfathering section of the Regulations lays out conditions for determining whether a land-disturbing activity that was neither permitted nor had started land disturbance before July 1, 2014 is able to meet the technical criteria in Part II C

Locality, state, and federal projects

Locality, state, and federal projects shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria provided:

1. There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;
2. A state permit has not been issued prior to July 1, 2014; and
3. Land disturbance did not start before July 1, 2014.

Land disturbing activities grandfathered under the provision listed above, shall remain subject to the Part II C technical criteria until June 30, 2019. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the Board.

In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, the project is subject to the technical criteria of Part II C and there is ***no specified time for completion.***

All other land-disturbing activities

All other land-disturbing activities shall be considered grandfathered by the VSMP authority and shall be subject to the Part II C technical criteria provided:

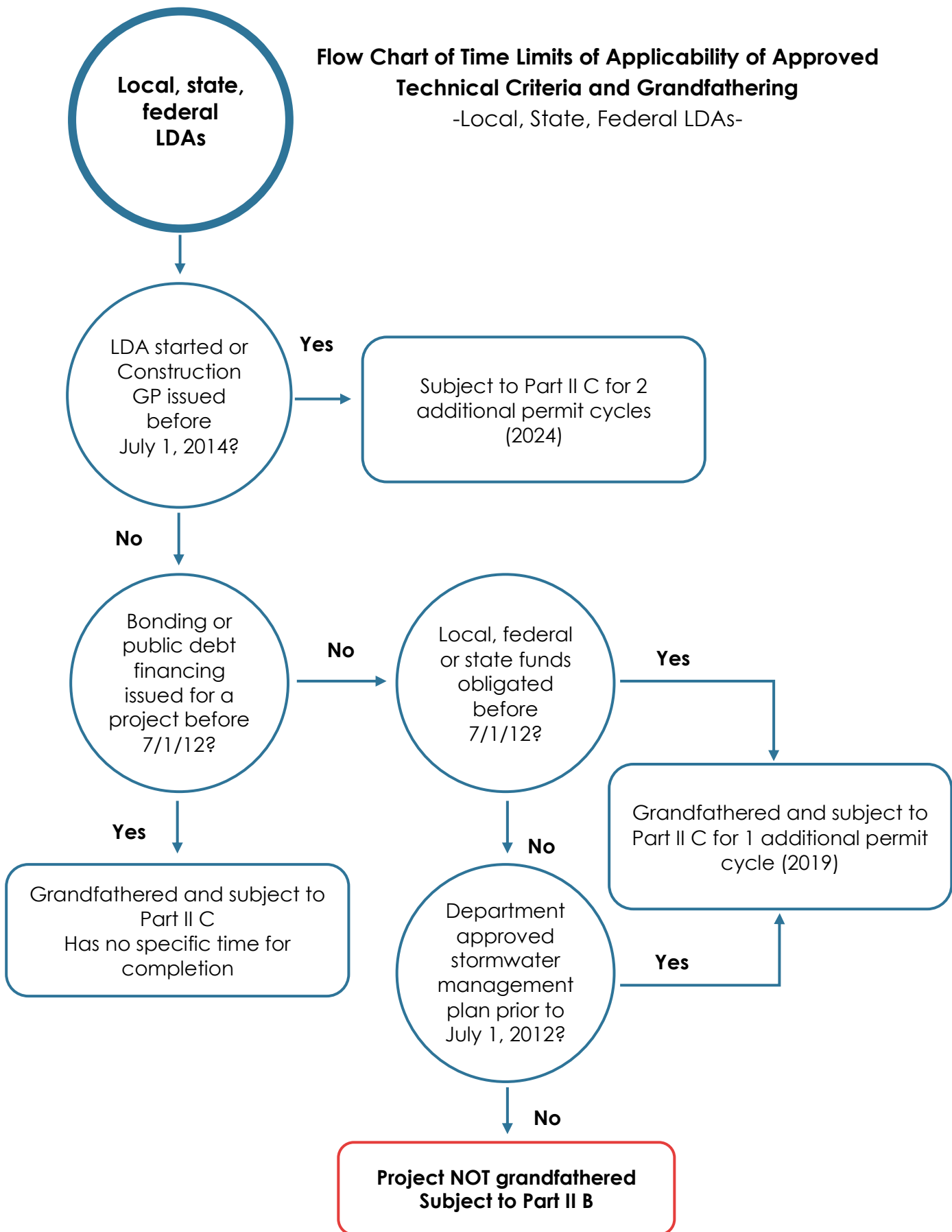
1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent:
 - i. Was approved by the locality prior to July 1, 2012,
 - ii. Provided a layout (a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval - 9VAC25-870-10),
 - iii. Complies with the Part II C technical criteria, and
 - iv. Has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
2. A state permit has not been issued prior to July 1, 2014; and
3. Land disturbance did not start before July 1, 2014.

See the flow charts on the next two pages for more assistance with determining time limits on applicability of approved design criteria and grandfathering.

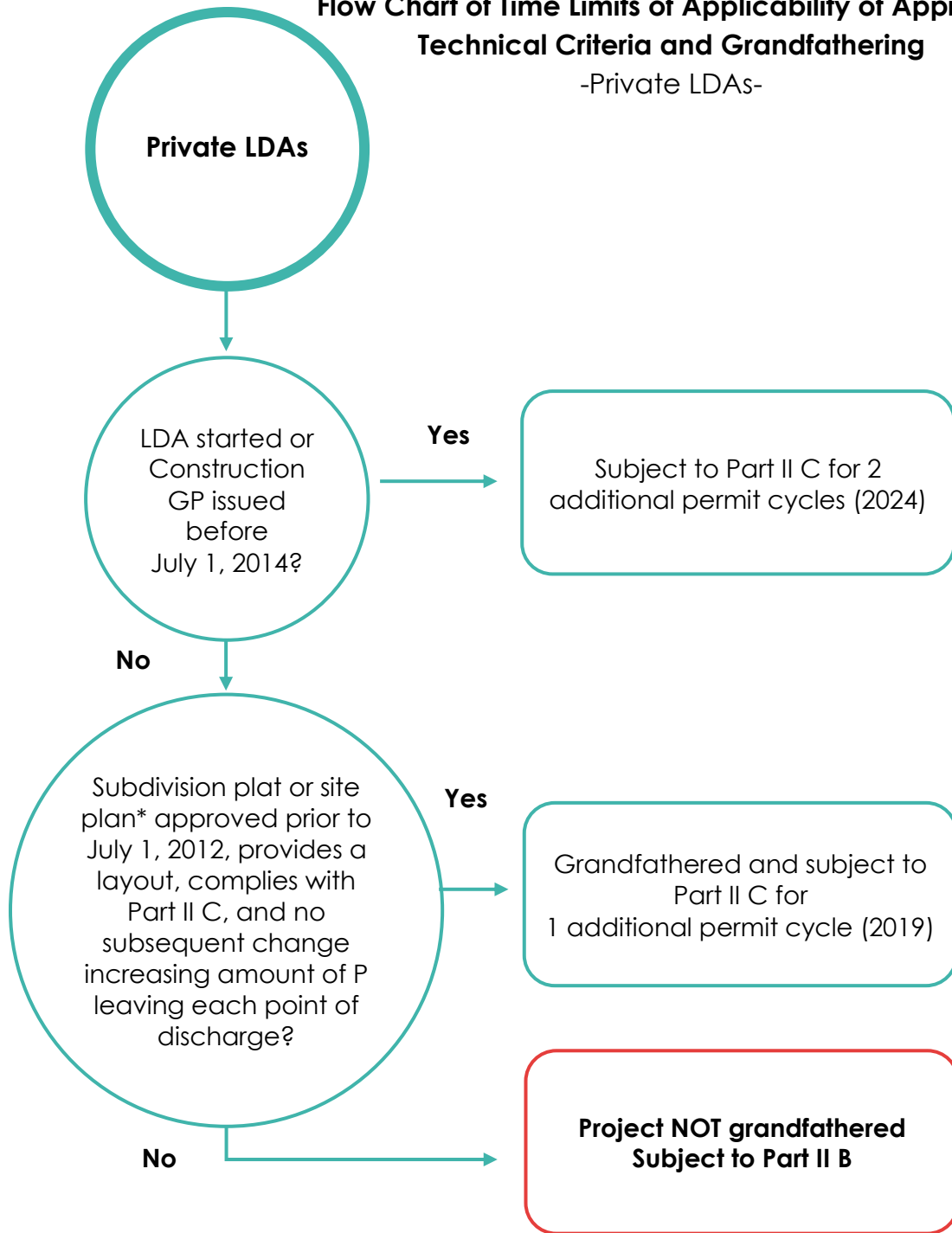
NOTE:

An operator may choose to construct to a more stringent standard at their own discretion.

**Flow Chart of Time Limits of Applicability of Approved
Technical Criteria and Grandfathering**
-Local, State, Federal LDAs-



**Flow Chart of Time Limits of Applicability of Approved
Technical Criteria and Grandfathering**
-Private LDAs-



*Or a proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto.

ALTERNATIVES FOR MEETING THE PART II B TECHNICAL CRITERIA

(9VAC25-870-63, 9VAC25_870-65, 9VAC25-870-66)

The following sections describes a VSMP authority's authorization to allow an operator to fully or partially meet the Part II B water quality technical criteria through the use of nutrient credits and other offsite options.

Offsite compliance options

(§62.1-44.15:35, 9VAC25-870-69)

Offsite options include:

1. Offsite controls utilized in accordance with a comprehensive stormwater management plan (9VAC25-870-92) for the local watershed within which a project is located;
2. A locality pollutant loading pro rata share program (§15.2-2243) or similar local funding mechanism;
3. The nonpoint nutrient offset program established pursuant to §62.1-44.15:35;
4. Other offsite options approved by an applicable state agency or state board; and
5. When an operator has additional properties available within the same hydrology unit code (HUC) or upstream HUC that the land-disturbing activity directly discharges to or within the same watershed as determined by the VSMP authority, offsite stormwater management facilities on those properties may be utilized to meet the required phosphorus nutrient reductions from the land-disturbing activity.

NOTE:

The offsite options listed in number 1 and 2 above may be used to meet the requirements of the water quantity criteria.

A VSMP authority ***must*** allow an operator to utilize offsite options under any of the following conditions:

1. Less than five acres of land will be disturbed;
2. The post-construction phosphorus control requirement is less than 10 pounds per year; or
3. The operator demonstrates the following to the satisfaction of the VSMP authority:
 - i. Alternative site designs have been considered that may accommodate on-site best management practices,
 - ii. On-site best management practices have been considered in alternative site designs to the maximum extent practicable,
 - iii. Appropriate on-site best management practices will be implemented, and
 - iv. Full compliance with the postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on-site.

If an applicant demonstrates onsite control of at least 75% of the required phosphorus nutrient reductions, the applicant is deemed to have met the four requirements above.

NOTE:

Offsite options ***must not be allowed*** unless the selected offsite option achieves the necessary nutrient reductions ***before the start of land disturbance***. In the case of phased projects, the operator may acquire or achieve offsite nutrient reductions before the start of each phase of land-disturbing activity in an amount sufficient for each phase.

Offsite options ***cannot be used*** in violation of local water quality-based limitations at the point of discharge based on an impaired waters plan, an MS program plan, or otherwise established or approved by the Board.

Comprehensive stormwater management plans

(9VAC25-870-92)

The first offsite options listed above is a comprehensive stormwater management plan. A locality's VSMP authority may develop a comprehensive- or commonly referred to as regional – stormwater management plan to meet the Part II B water quality and/or quantity criteria. The plan must be approved by DEQ.

State and federal agencies may develop comprehensive stormwater management plans, and may participate in locality-developed comprehensive stormwater management plans where practicable and permitted by the locality VSMP authority.

Nutrient offset program

(§62.1-44.15:35)

The third offsite option listed above is a nutrient offset program. A VSMP authority is authorized to allow the use of nutrient credits. The credits must be from the same tributary as the land-disturbing activity and the same or adjacent eight-digit hydrologic unit code (HUC). Credits outside the same or adjacent eight-digit HUC may only be used if, at the time of accepting the final site design, the VSMP authority determines no credits are available within the same or adjacent eight-digit HUC.

Nutrient credits **must** also:

- Comply with a 1:1 ration of credits to the required phosphorus reduction;
- Achieve necessary nutrient reductions before the start of land disturbance; and be
- Documented in a certification from the credit provider with the number of phosphorus nutrient credits acquired and the associated ration of nitrogen nutrient credits at the credit generating entity. Documentation must be provided to the VSMP authority and DEQ.

Nutrient credits **cannot** be used to:

- Address water quantity control requirements; nor to
- Violate local water quality-based limitations.

ALTERNATIVES FOR MEETING THE PART II C TECHNICAL CRITERIA

(9VAC25-870-99)

Water quality requirements and where allowed, water quantity requirements, of Part II C may be achieved in accordance with the same offsite compliance options listed above for Part II B (9VAC25-870-69).

1. Offsite controls utilized in accordance with a comprehensive stormwater management plan (9VAC25-870-92) for the local watershed within which a project is located;
2. A locality pollutant loading pro rata share program (§15.2-2243) or similar local funding mechanism;
3. The nonpoint nutrient offset program established pursuant to §62.1-44.15:35;
4. Other offsite options approved by an applicable state agency or state board; and
5. When an operator has additional properties available within the same hydrology unit code (HUC) or upstream HUC that the land-disturbing activity directly discharges to or within the same watershed as determined by the VSMP authority, offsite stormwater management facilities on those properties may be utilized to meet the required phosphorus nutrient reductions from the land-disturbing activity.

NOTE:

The offsite options listed in number 1 and 2 above may be used to meet the requirements of the water quantity criteria.

REQUESTING AN EXCEPTION FROM THE PART II B OR II C TECHNICAL CRITERIA

(9VAC25-870-57, 122)

A request for an exception from the Part II B or II C technical criteria, including the reason for making the request, may be submitted in writing to the VSMP authority.

A VSMP authority ***may*** grant exceptions to the technical requirements of Part II B or Part II C provided all of the following conditions are met:

- The exception is the minimum necessary to afford relief;
- Reasonable and appropriate conditions shall be imposed so that the intent of the Act and Regulations are preserved;
- Granting the exception will not confer any special privileges that are denied in other similar circumstances; and
- Exception requests are not based upon conditions or circumstances that are self-imposed or self-created.

Exceptions ***must not*** be granted for:

- Economic hardship alone;
- Obtaining required state permits; or the
- Use of a BMP not found on the Virginia Stormwater BMP Clearinghouse, except where allowed under Part II C.

NOTE:

Exceptions to requirements for phosphorus reductions are not allowed unless offsite options have been considered and found not available.

2e. Stormwater Pollution Prevention Plan (SWPPP)

STORMWATER POLLUTION PREVENTION PLAN COMPONENTS

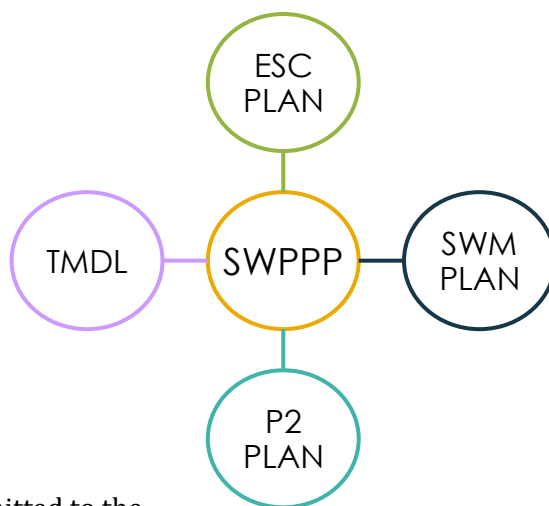
(9VAC25-870-54)

Before submitting the permit application package, the operator must prepare the stormwater pollution prevention plan (SWPPP).

1. SWPPP preparation

The SWPPP includes:

1. Erosion and sediment control (ESC) plan
2. Stormwater management (SWM) plan
3. Pollution prevention (P2) plan*
4. Description of any additional control measures necessary to address a TMDL



** The P2 plan is not required for Chesapeake Bay Preservation Act land-disturbing activities.*

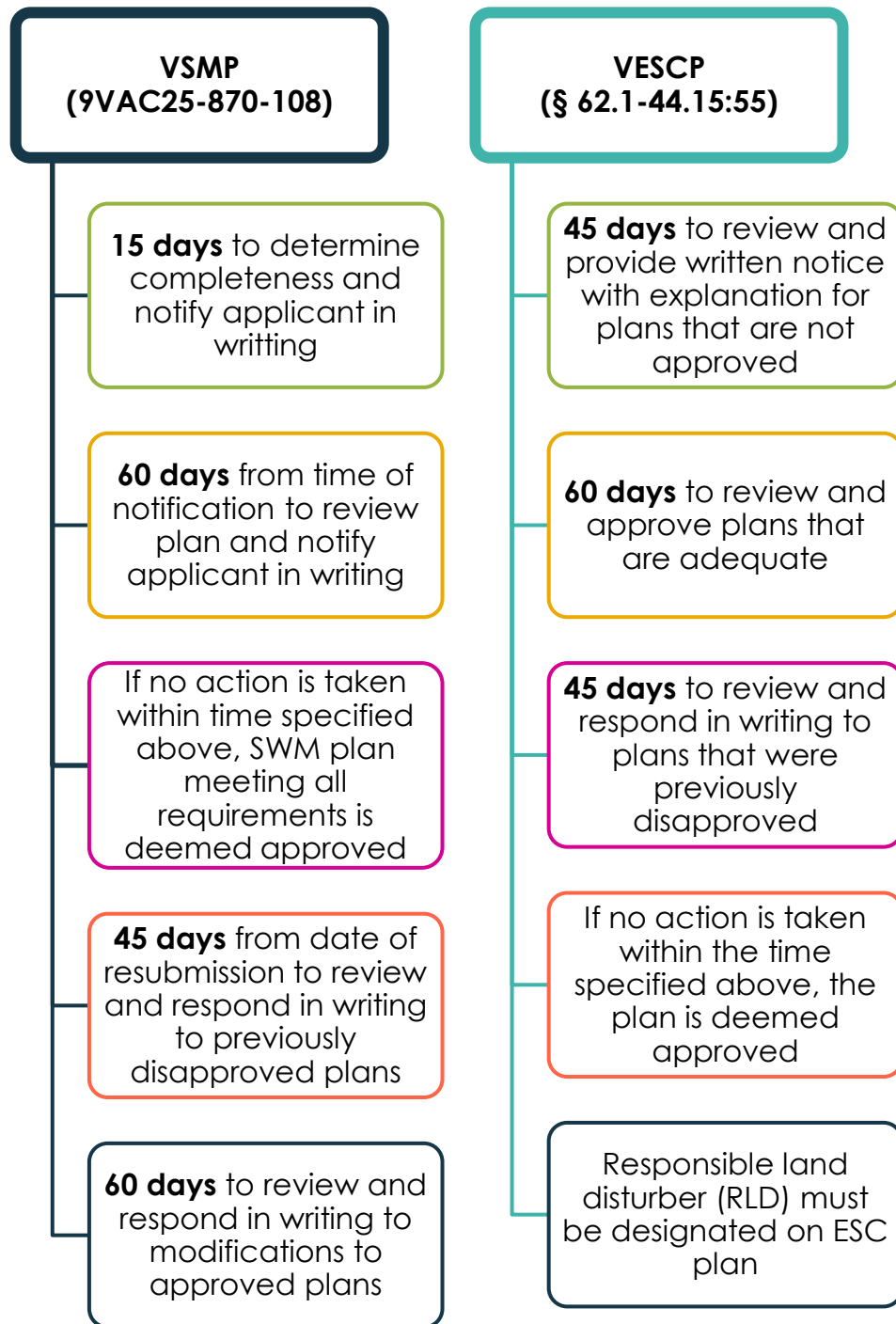
Once the SWPPP had been prepared, the ESC plan is submitted to the Virginia Erosion and Sediment Control Program (VESCP) authority and the stormwater management plan is submitted to the VSMP authority for review and approval.



NOTE:

Construction activities that are part of a larger common plan of development or sale (e.g., commercial or residential subdivision) and disturb less than one acre may utilize a SWPPP template provided by DEQ and need not provide a separate stormwater management plan if one has been prepared and implemented for the larger common plan of development or sale (9VAC25-880-70 Part II)

Comparison of the VSMP and VESCP Plan Review Process



OTHER SWPPP REQUIREMENTS

(9VAC25-880-70)

The Construction GP specifies additional requirements of a SWPPP (9VAC25-880-70 Part II):

- SWPPP shall be developed prior to submission of a registration statement for coverage under the Construction GP
- SWPPP must be implemented for the construction activity, including any support activity covered by the Construction GP
- SWPPP requirements may be fulfilled by reference to other plans, such as a spill prevention control and countermeasure (SPCC) plan
- Plans incorporated by reference become enforceable under the Construction GP

SWPPP Amendments, Modifications, and Updates

(9VAC25-870-54 D, 9VAC25-880-70 PART II B)

The VSMP Regulations and the Construction GP provide a general requirement for the SWPPP to be amended whenever there is a change in design, construction, operation, or maintenance having a significant effect on the discharge of pollutants to state waters occurs that has not previously been addressed. The Construction GP further details when the SWPPP must be amended, modified, or updated:

No Grandfathering

There is no grandfathering of projects for the SWPPP or P2 requirements. All existing projects must update SWPPPs to address requirements of the Construction GP. Projects with continuing permit coverage have 60 days from the date of coverage under the 2014 permit to update their SWPPP and P2 plan.

See 9VAC25-880-50 A.2.a(2) and 9VAC25-880-70 Part II

REQUIREMENTS FOR TMDLS, IMPAIRED AND EXCEPTIONAL WATERWAYS

(9VAC25-870-70 PART II A 5, 9VAC25-880-70 PART II B 4-5)

the Construction GP has restrictions on stormwater discharges water from construction activities to surface waters identified as impaired in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or for which a TMDL wasteload allocation has been established and approved before July 1, 2014 for (i) sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) or (ii) nutrients (i.e., nitrogen or phosphorus). To be eligible for coverage under Construction GP, the operator ***must*** develop, implement, and maintain a SWPPP that minimizes the pollutants of concern and, when applicable, is consistent with the assumptions and requirements of the approved TMDL wasteload allocations.

Additionally, the operator must identify the impaired water(s), approved TMDL(s), and pollutant(s) of concern, when applicable, in the SWPPP. The operator must also follow the requirements for rapid stabilization (7 days), appropriate use of fertilizers and nutrient management plans, and enhanced inspection schedules (9VAC25-880-70 Part I B 4, B 5, and Part II A 5). Unless more stringent local requirements are applicable, compliance with these stated requirements will be considered sufficient to address the additional requirements necessary to address discharges to impaired waters, surface waters with an assigned TMDL wasteload allocation or exceptional waters (9VAC25-260-30 A 3 c).

During plan review, the VSMP authority can identify any additional stormwater or erosion and sediment control design requirements that may be needed to satisfy the assumptions and requirements of a waste load allocation (WLA) applicable to the Construction GP for a local TMDL. A majority of TMDLs in Virginia do not have additional stormwater/construction related assumptions and requirements; however, the Chesapeake Bay TMDL does apply to regulated construction activities within the Chesapeake Bay watershed.

Additional plan requirements may be required by a VSMP authority in accordance with the applicable local ordinance. Table 2-1 below provides a brief overview of additional requirements that could be required for regulated LDAs:

Table 2-1 Additional Requirements

To address:	Plan Requirements:
<ul style="list-style-type: none"> • Impaired waters identified in 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report • TMDL wasteload allocation has been established prior to July 1, 2014 • Exceptional Waters as per 9VAC25-260-30 A 3 c 	<p>SWPPP must incorporate:</p> <ul style="list-style-type: none"> • Rapid stabilization (7 days) • Appropriate use of fertilizers and nutrient management plans • 3. Enhanced inspection schedules (pursuant to <u>9VAC25-880-70 Part I B 4, B 5, and Part II A 5</u> of the permit)
<p>By local ordinance:</p> <ul style="list-style-type: none"> • Protection of water resources or exceptional state waters • TMDL requirements • Specific existing water pollution: <ul style="list-style-type: none"> ○ nutrient and sediment loadings ○ stream channel erosion ○ depleted groundwater resources ○ excessive localized flooding within watershed 	<p>Implementation of any other more stringent requirements included in local stormwater management ordinance in accordance with Va. Code §62.1-44.15:33</p>

THE EROSION AND SEDIMENT CONTROL PLAN

(9VAC25-870-54, 9VAC25-880-70)

The SWPPP must address the requirements specified in the *Effluent Limitations Reflecting the Best Practicable Technology Currently Available (BPT)* from 40 CFR 450.21 (9VAC25-870-54 F), to the extent otherwise required by state law or regulations and applicable state permits. These requirements are contained in the VSMP Regulations (9VAC25-870-54 F.1-9) and the Construction GP, 9VAC25-880-70 Part II A 2 c (1) to (9):

1. Control stormwater volume and velocity within the site to minimize soil erosion;
2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
3. Minimize the amount of soil exposed during construction activity;
4. Minimize the disturbance of steep slopes;
5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as:
 - Amount, frequency, intensity and duration of precipitation,
 - Nature of resulting stormwater runoff, and
 - soil characteristics, including the range of soil particle sizes;
6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
7. Minimize soil compaction and, unless infeasible, preserve topsoil;
8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the VSMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VSMP authority; and
9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.

These nine requirements are addressed by implementation of the Minimum Standards of the *Virginia Erosion and Sediment Control Regulations* (9VAC25-840-40) in the ESC Plan; by the design, construction, and maintenance of Erosion and Sediment Controls in accordance with

Standards and Specifications of the Virginia Erosion and Sediment Control Handbook (1993 edition); and application of the Eight Environmental Site Design (ESD) principles. Table 2-2 provides a cross-reference to existing ESC Regulations and Handbook requirements that address the nine requirements.

Table 2-2. Cross-Reference: Standards, Specifications, Design Principles

Requirement	Existing Standards, Specifications, Design Principles*
1. Control stormwater volume and velocity within the site	<ul style="list-style-type: none"> • Minimum Standards 11 and 19 • Std. & Spec. 3.18 through 3.21 • Environmental Site Design Principles 6 and 7
2. Control stormwater discharges at outlets	<ul style="list-style-type: none"> • Minimum Standards 11 and 19 • Std. & Spec. 3.18 through 3.21 • Environmental Site Design Principle 6
3. Minimize the amount of soil exposed during construction	<ul style="list-style-type: none"> • Minimum Standards 1, 3, and 4 • Environmental Site Design Principles 3, 4, and 5
4. Minimize the disturbance of steep slopes	<ul style="list-style-type: none"> • Minimum Standards 7, 8, and 9 • Environmental Site Design Principles 3 and 5
5. Minimize sediment discharges	<ul style="list-style-type: none"> • Minimum Standards 4 and 19 • Standards & Specifications of the VESCH Chapter 3
6. Provide and maintain natural buffers around surface waters where feasible	<ul style="list-style-type: none"> • Environmental Site Design Principle No. 4, 5, and 8 • Std. & Spec. 3.38
7. Minimize soil compaction and preserve topsoil	<ul style="list-style-type: none"> • Minimum Standard 2 • Standards & Specifications 3.30 • Environmental Site Design Principles 4 and 8
8. Stabilization of disturbed areas	<ul style="list-style-type: none"> • Minimum Standards 1, 3, and 18 • Standards & Specifications 3.29 to 3.38
9. Utilize outlet structures that withdraw water from the surface	<ul style="list-style-type: none"> • Standards & Specifications 3.13 and 3.14

*Minimum Standards of the *Virginia Erosion and Sediment Control Regulations* (9VAC25-840-40) Minimum Standards & Specifications from Chapter 3 of the Virginia Erosion and Sediment Control Handbook (1993 edition)
Eight Environmental Site Design (ESD) Principles presented in the Virginia Stormwater Management Basic Course Module 6

POLLUTION PREVENTION (P2) PLAN

(9VAC25-870-56, 9VAC25-880-70 PART II)

The Pollution Prevention (P2) plan is part of the SWPPP and it must address potential pollutant-generating activities that may reasonably be expected to affect the quality of stormwater discharges from a construction activity, including any support activity. Table 2-3 lists the specific requirements of the P2 plan.

Approval of the P2 plan by a DEQ certified plan reviewer is not required by state regulation or statute. However, a locality VSMP authority may require prior approval as part of a more stringent requirement.

In most cases, the SWPPP will be reviewed by the VSMP authority inspector during a construction inspection at the start of and during the permitted LDA. There may, however, be circumstances which will require a plan reviewer to be familiar with all components of the SWPPP:

- The VSMP Authority may adopt a more stringent program that requires SWPPP submittal and review
- A plan reviewer may be tasked to assist other VSMP authority staff with review of compliance with the SWPPP and P2 requirements
- The VSMP authority, DEQ, U.S. EPA, and any affected MS4 program can request a copy of the SWPPP and review it at any time during the LDA

NOTE:

The P2 plan must be updated throughout the duration of the land-disturbing activity and should be periodically reviewed in the field by a VSMP inspector to ensure compliance.

Table 2-3. Pollution Prevention Plan

Minimum Provisions	Prohibition of Discharges
<p>P2 measures must be designed, installed, implemented, maintained to:</p>	<p>P2 plan must include effective BMPs to:</p>
<ul style="list-style-type: none"> ❖ Minimize discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge ❖ Minimize exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater ❖ Minimize discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures 	<ul style="list-style-type: none"> ❖ Prohibit discharge of concrete washout wastewater, unless managed by an appropriate control ❖ Prohibit discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials ❖ Prohibit discharge of fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance ❖ Prohibit discharge of soaps or solvents used in vehicle and equipment washing ❖ Prohibit discharge from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls

P2 Plan Contents

(9VAC25-880-70)

Part II of the Construction GP provides additional requirements for the Pollution Prevention Plan required in a SWPPP (9VAC25-880-70), as summarized in Table 2-4:

Table 2-4. Pollution Prevention (P2) Plan Contents

<p>Part II A</p> <p>The pollution prevention plan must address potential pollutant-generating activities that may reasonably be expected to affect the quality of stormwater discharges from the construction activity, including any support activity.</p> <p>The pollution prevention plan shall:</p> <ul style="list-style-type: none"><input type="checkbox"/> Identify the potential pollutant-generating activities and pollutants expected to be exposed to stormwater<input type="checkbox"/> Describe the location where the potential pollutant-generating activities will occur, or if identified on the site plan, reference the site plan<input type="checkbox"/> Identify all nonstormwater discharges that are or will be commingled with stormwater discharges from the construction activity, including any applicable support activity<input type="checkbox"/> Identify the person responsible for implementing the pollution prevention practice or practices for each pollutant-generating activity
<ul style="list-style-type: none"><input type="checkbox"/> Describe the pollution prevention practices and procedures that will be implemented to:<ul style="list-style-type: none">– Prevent and respond to leaks, spills and other releases including (i) procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases; and (ii) procedures for reporting leaks, spills, and other releases;– Prevent the discharge of spilled and leaked fuels and chemicals from vehicle fueling and maintenance activities (e.g., providing secondary containment such as spill berms, decks, spill containment pallets, providing cover where appropriate, and having spill kits readily available);– Prevent the discharge of soaps, solvents, detergents, and wash water from construction materials, including the clean-up of stucco, paint, form release oils, and curing compounds (e.g., providing (i) cover (e.g., plastic sheeting or temporary roofs) to prevent contact with stormwater; (ii) collection and proper disposal in a manner to prevent contact with stormwater; and (iii) a similarly effective means designed to prevent discharge of these pollutants).

- **Minimize the discharge of pollutants from vehicle and equipment washing, wheel wash water and other types of washing** (e.g., locating activities away from surface waters and stormwater inlets or conveyance and directing wash waters to sediment basins or traps, using filtration devices such as filter bags or sand filters or using similarly effective controls);
- **Direct concrete wash water into a leak-proof container or leak-proof settling basin.** The container or basin shall be designed so that no overflows can occur due to inadequate sizing or precipitation. Hardened concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wastes. Liquid concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wash waters and shall not be discharged to surface waters;
- **Minimize the discharge of pollutants from storage, handling, and disposal of construction products, materials and wastes** including (i) building products such as asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures; (ii) pesticides, herbicides, insecticides, fertilizers, and landscape materials; and (iii) construction and domestic wastes such as packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials;
- **Prevent the discharge of fuels, oils, and other petroleum products, hazardous or toxic wastes, and sanitary wastes;** and
- Address any other discharge from the potential pollutant-generating activities not addressed above.

☐ The pollution prevention plan shall describe procedures for providing **pollution prevention awareness** of all applicable wastes, including any wash water, disposal practices and applicable disposal locations of such wastes, to personnel in order to comply with the conditions of this general permit.

In order to effectively assess the P2 plan, the plan reviewer should be familiar with the basic steps needed to prepare a P2 plan. Preparation of a P2 plan can be very involved and the plan complexity will depend on the nature and duration of construction activities, the size of the project, and other potentially complicating factors. The following outlines a very simplified generic process for P2 plan preparation that can be used as a starting point in considering the required components:

Steps to Prepare a P2 Plan

Step 1 – *Identify and Describe Activities:*

- Potential pollutant generating activities (see Table 2-5 for some examples)
- Locations where activities will occur
- All nonstormwater discharges
- Responsible person(s) for implementing P2 for each activity
- Qualified Personnel for implementation of P2 plan components

Step 2 – *Procedures and Practices:*

- Prevent and respond to leaks and spills
- Eliminate spillage and leaking from vehicle fueling and maintenance
- Prevent discharges of soaps, detergents, and solvents
- Minimize pollutants from washwater
- Appropriately handle concrete washwater
- Minimize pollutants from construction waste
- Prevent discharges of fuels, toxics, and hazardous wastes

Location of Activities

The Construction GP requires that a P2 plan describe the location where pollutant generating activities will occur; or identify locations of pollutant generating activities on a plan (or by reference to a site plan).

What is important about location of activities?

- Located on site and location restrictions noted
- Denote any particular issues or sensitive areas relating to pollutant generating activities

Important!

When P2 plan submittal and approval is required by the VSMP authority:

Locations of pollutant generating activities may not be known prior to contractor selection and mobilization

Table 2-5. Potential Pollutants on Construction Sites

Fueling and Maintenance

- Static or mobile operations and activities
- Secondary containment, absorbents, barriers, and spill response kits for fuel and lubricant storage, and equipment and vehicle fueling and maintenance activities
- Implement preventative maintenance to identify potential leaks and spills and repair equipment and vehicles immediately
- Properly handle, store, dispose of equipment/vehicle waste lubricants and coolants

Soaps, Detergents, and Solvents

- Provide cover to minimize exposure to stormwater
- Collection and disposal procedures (no discharge)
- Use other practices effective to prevent discharge (recycle wash systems)

Concrete Washout Facilities

- All concrete washout must be appropriately controlled
- See EPA Fact Sheet on P2 for Concrete Washout

Dewatering Operations

- Utility trenches, foundations, general excavation, etc.
- No discharge of contaminated water from dewatering operations
- Contaminated water should be treated by filtering, settling, or similarly treatment prior to discharge as uncontaminated water

Vehicle Washwater

- Avoid use of soaps, detergents, and solvents (no discharge otherwise)
- Physical separation from surface waters and inlets
- Use filtration and settling devices to remove sediments
- Direct washwaters to basins, traps, or other suitable BMPs

Construction Material Handling and Storage

- Conventional pollutants common on construction sites: soil, aggregates, drywall, roofing materials, asphalt, bagged cement products, etc.
- Potentially toxic or hazardous materials: paints, coatings, fertilizers, pesticides, etc.
- Eliminate exposure to stormwater, both rainfall and runoff, by storing under roof or in sealed, leak-proof containers
- Provide secondary containment measures if non-exposure is not viable
- Locate storage outside of stormwater flowpaths and floodplains

Construction Waste

- Solid trash and debris common to construction sites
- Washout for painting or other operations that generate liquid wastes
- Provide trash receptacles and dumpsters for collection of waste and debris and empty the receptacles to maintain proper storage capacity
- Designate washout areas located at least 50 yards from storm drains and waterways that are not exposed to rainfall
- No discharge from designated washout areas; liquid wastes should be hauled off-site for proper treatment and disposal or allowed to evaporate and handled as solid waste

Sanitary Waste

- No discharge of sanitary waste from the site
 - Provide sufficient Port-a-Johns or other suitable sanitary facilities for personnel
 - Keep sanitary facilities clean so personnel will use them
-

Pollution Prevention Awareness

The P2 plan must describe and document procedures for providing ***pollution prevention awareness*** of applicable wastes and applicable disposal procedures to personnel, which may include subcontractors, vendors, material handlers, mobile refuelers and mechanics, and other on-site personnel who deal with potential stormwater pollutants. The operator is required to describe and implement the procedures as follows:

- Document the procedures, as required by the permit
- Document implementation (although not required explicitly, the operator is required to implement these procedures and may be asked to provide evidence that they have been implemented)
- Flexible on means and methods

P2 procedures may vary!

Development and implementation of effective pollution prevention practices is flexible due to the variable nature of the construction industry.

Avoiding P2 Problems at Plan Review

While the *Virginia Stormwater Management Act* and VSMP Regulations do not require that a SWPPP or P2 plan be reviewed by a certified VSMP plan reviewer or approved by a VSMP authority, there are practical things that a plan reviewer can look for during review of site or subdivision plans, including the ESC and SWM plans that must be reviewed and approved prior to construction.

A plan reviewer may also be able to provide technical support to a VSMP inspector for review of a SWPPP or P2 plan after a Construction GP is issued and a regulated construction activity is underway.

The purpose of this section is to introduce a few possible ways that potential SWPPP and P2 problems can be identified during plan review, with the hope of avoiding compliance issues once the permitted construction activity begins. All potential pollutant sources or generating activities and P2 practices may not be feasibly identified in one plan document at the outset of construction, as construction materials, means, and methods are constantly changing. New best management practices, including proprietary devices, are produced and made available every day. Like the overall SWPPP, the P2 plan is a dynamic, “living” document that should be

amended, revised, modified, and updated during implementation to prevent pollution of stormwater from construction activities.

A plan reviewer should remember that there may be more than one effective way to address a P2 problem. Much of P2 is common sense, so it is important to keep an open eye and open mind when reviewing a plan for potential SWPPP or P2 issues and solutions.

Ultimately, the effectiveness of a P2 plan will be realized through reduced stormwater pollution and water quality issues on lands and waters downstream of a construction activity.

P2 Questions & Answers

<p>Q: Are there basic, over-arching principles for good P2 planning?</p>
<p>A: ➤ Avoiding generation of pollutants is the best means of P2, but the nature of construction inevitably involves the generation of at least some pollutants</p> <p>➤ Eliminating exposure of stormwater to construction pollutant sources and pollution generating activities is the most effective practice. When it is not possible to avoid exposure, limits and controls should be used to reduce the potential for contamination of both stormwater (rainfall) and runoff</p> <p>➤ Controlling potential pollutants at the source is usually more effective and less costly than trying to remediate soil and water after contamination</p>
<p>Q: Are there specific issues related to certain types of construction activities?</p>
<p>A: If the permitted activity is a linear roadway, a utility, commercial, residential, or mixed use project, then there may be issues unique to that type of activity that should be considered:</p> <p>➤ Limited area for mobilization or laydown in the road right-of-way</p> <p>➤ Potential dewatering needed for utility trenching or stream crossings</p> <p>➤ An underground utility line project may not require concrete washout</p>
<p>Q: Are there unique features on site that could create problems?</p>
<p>A: Existing site conditions could require special attention to controls required:</p> <p>➤ Soils and drainage patterns could present potential issues necessitating additional controls</p> <p>➤ Wetlands or waters of the U.S. may require additional permit(s) and BMPs</p> <p>➤ Designated floodplains or other areas prone to flooding may not be suitable areas for temporary storage or laydown</p> <p>➤ Adjacent development could create problems for safety and security of controls and BMPs (e.g., locked fuel tanks and hazardous material storage, outside use of on-site dumpsters, illegal dumping of materials and wastes from off-site, etc.)</p>
<p>Q: Could phasing or timing of construction activities help reduce pollutant exposure?</p>
<p>A: Limiting exposure to stormwater, both rainfall and runoff, is a highly effective method of reducing or eliminating potential pollution from construction sites</p> <p>➤ Limited exposure includes limiting the duration of exposure, even when eliminating exposure to the elements is not feasible</p> <p>➤ Delay the delivery of materials to the site to control the length of time they are stored</p> <p>➤ Avoid working with potential pollutants during runoff producing rain events</p> <p>➤ Ensure that wastes generated from construction activities are properly stored and disposed of in a timely manner to reduce the time of exposure</p>

Q: Can P2 principles “reduce, reuse, recycle” be used?

A: The phrase “reduce, reuse, and recycle” is commonly used in education, advertising campaigns, and environmental literature to promote the attitude of pollution prevention. The same approach might be useful for P2 on a construction site:

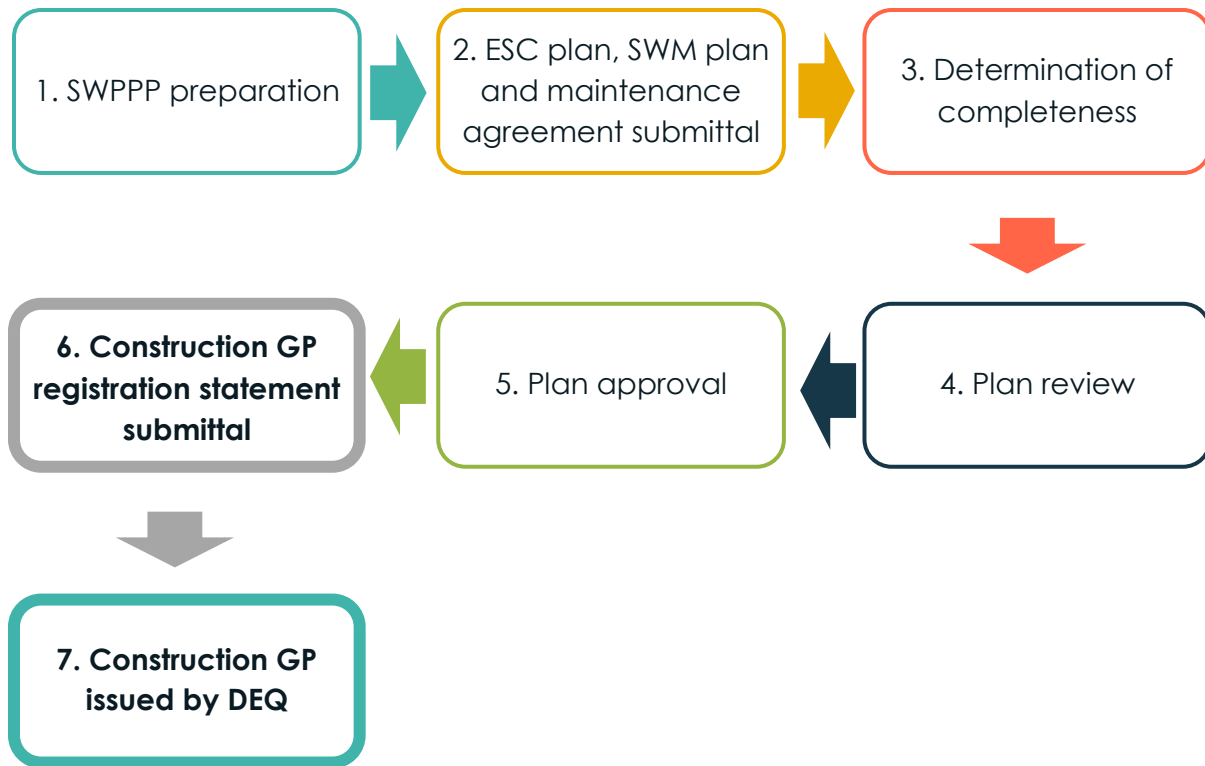
- Reducing the footprint of clearing and grading means less potential for soil loss and could reduce the need to haul soil on-site later in the project, as well as the need to fertilize soils in order to provide permanent stabilization
- Reusing or recycling topsoil, mulch, and other materials generated on-site could require less handling and storage of materials from off-site
- Choosing construction materials and means that are less toxic or that generate fewer pollutants can prevent or reduce the potential for stormwater pollution
- Soil testing and proper nutrient management can better produce permanent stabilization with vegetation thereby reducing the potential for stormwater pollution due to soil erosion or excessive or untimely application of fertilizers or pesticides
- If equipment, vehicles, or material storage containers are leaking, then a valuable material is being lost and an unnecessary waste generated that can cause stormwater pollution – inspect, repair, or replace failing systems immediately to reduce material loss and protect the environment

Q: Are fixed or mobile activities better on a construction site?

A: Equipment or vehicle fueling and maintenance activities are necessary on most construction projects. Equipment, vehicle, and structure washing is also commonly required. In some cases, concrete or paint washout areas are also needed to complete a project. Is it better to provide a fixed location for these activities, or would it be better to use mobile facilities? There is no one best answer and the most effective solution may vary with the project and activity.

- A long, linear road or utility project may require mobile facilities for fueling, maintenance and washing/washout. Providing mobile activities or controls might make it easier for employees and subcontractors to access and use the facilities, as opposed to having to travel a distance from the pollution generating activity.
- Fixed or static operations may be better in other cases, especially if pollutant generating activities can be done under roof to reduce exposure (vehicle maintenance), if storage is provided in a secure location to protect against vandals, or if adequate P2 controls are complex to construct and operate and not easily moved or relocated (recycle washing station for equipment and vehicles).

2f. Construction General Permit



CONSTRUCTION GENERAL PERMIT

(9VAC25-880)

Land-disturbing activities that will disturb one acre or more or are part of a larger common plan of development or sale that will disturb one acre or more, must obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (Construction GP). The permit is issued by DEQ and authorizes stormwater discharges from large and small construction activities. The permit cycle is July 1, 2014 through July 30, 2019.

DISCHARGES COVERED UNDER THE CONSTRUCTION GP

Authorization to Discharge

(9VAC25-880-70 PART I A)

The Construction GP authorizes the permittee to discharge stormwater associated with construction activities from permitted land disturbing activities in accordance with the limitations and special conditions of the Construction GP (9VAC25-880-70 Part I A). The Construction GP also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) located on-site or off-site provided the support activity is exclusively for the main construction activity and does not serve multiple construction activities (see 9VAC25-880-30 C and 9VAC25-880-70 Part I A for more information).

Limitations on Coverage

(9VAC25-880-70 PART I B)

Limitations on coverage under the permit for certain discharges:

- **Post-construction discharges (9VAC25-880-70 Part I B 1):** The general permit does not authorize stormwater discharges that originate from the site after construction activities have been completed
- **Discharges mixed with nonstormwater (9VAC25-880-70 Part I B 2):** The general permit does not authorize discharges mixed with sources of nonstormwater, except as identified in 9VAC25-880-70 Part I E
- **Discharges covered by another state permit (9VAC25-880-70 Part I B 3):** Discharges authorized by the general permit may be comingled with other discharges authorized by a separate state or VPDES permit as long as all discharges comply with all applicable state and VPDES permit requirements. Discharges are not authorized under the general permit if the board provides notification that an individual permit is required in accordance with 9VAC25-870-410 B
- **Impaired waters and TMDL limitation (9VAC25-880-70 Part I B 4):** Discharges of stormwater from construction activities to surface waters identified as impaired in the 2012 § 305(b)/303(d) Water Quality Assessment Integrated Report or for which a TMDL wasteload allocation (WLA) has been established and approved prior to the term

of this general permit for (i) sediment or a sediment-related parameter (i.e., total suspended solids or turbidity) or (ii) nutrients (i.e., nitrogen or phosphorus) are not eligible for coverage under this general permit ***unless the operator develops, implements, and maintains a SWPPP that minimizes the pollutants of concern and, when applicable, is consistent with the assumptions and requirements of the approved TMDL wasteload allocations.***

Nonstormwater Discharges

(9VAC25-880-70 PART I)

The Construction GP authorizes discharges that are composed entirely of stormwater associated with construction activities and in compliance with the requirements of the permit. The Construction GP prohibits nonstormwater discharges except for those specifically authorized in 9VAC25-880-70 Part I E or as provided in 9VAC25-880-70 Part I A 2 and Part I C of the permit (see Table 2-6).

Table 2-6. Nonstormwater Discharges

Specifically Prohibited (9VAC25-880-70 Part I D)	Specifically Authorized (when in compliance with the Construction GP) (9VAC25-880-70 Part I E)
<ul style="list-style-type: none"> ✖ Wastewater from washout of concrete ✖ Wastewater from the washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials ✖ Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance ✖ Oils, toxic substances, or hazardous substances from spills or other releases ✖ Soaps, solvents, or detergents used in equipment and vehicle washing 	<ul style="list-style-type: none"> ✓ Discharges from firefighting activities ✓ Fire hydrant flushing ✓ Waters used to wash vehicles or equipment <u>where soaps, solvents or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge</u> ✓ Water used to control dust that has been filtered, settled, or similarly treated prior to discharge ✓ Potable water sources, including <u>uncontaminated waterline flushing</u> ✓ Routine external building wash down <u>where soaps, solvents or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge</u> ✓ Pavement wash waters <u>where spills or leaks of toxic or hazardous materials have not occurred</u> (or where all spilled or leaked material has been removed prior to washing); <u>where soaps, solvents, or detergents have not been used, and where the wash water has been filtered, settled, or similarly treated prior to discharge</u> ✓ Uncontaminated air conditioning or compressor condensate ✓ Uncontaminated ground water or spring water ✓ Foundation or footing drains where flows are not contaminated with process materials such as solvents ✓ Uncontaminated excavation dewatering, including dewatering of trenches and excavations that have been filtered, settled, or similarly treated prior to discharge ✓ Landscape irrigation

The following two sections discuss the Construction GP coverage requirements for single-family detached residential structures and all other activities.

THE APPLICATION PACKAGE

Before starting a land-disturbing activity and receiving coverage under the Construction GP, an operator must submit an application package to the VSMP authority for review and approval. Land disturbance cannot begin until the proper permits have been issued. This module covers the contents of the application package and the process the VSMP authority must follow when reviewing an application package. This module focuses on the components that relate to the plan review process.

The flow chart on the following page illustrates the process for land-disturbing activities greater than or equal to one acre.

Application package requirements

- ☒ Stormwater pollution prevention plan (SWPPP)
- ☒ Initial terms of long-term maintenance agreement*
- ☒ Security for performance*
- ☒ Fees*
- ☒ Registration statement*

* If required

Single-Family Detached Residential Structures

(§62.1-44.15:28)

Single-family detached residential structures that disturb equal to or greater than one acre of land require coverage under the Construction GP. However, these operators are ***not required to submit a registration statement*** or DEQ's portion of the permit fee. Instead, operators need to download the coverage letter for single-family detached residential structures from:

www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPermits/ConstructionGeneralPermit.aspx

Construction GP Registration Statement

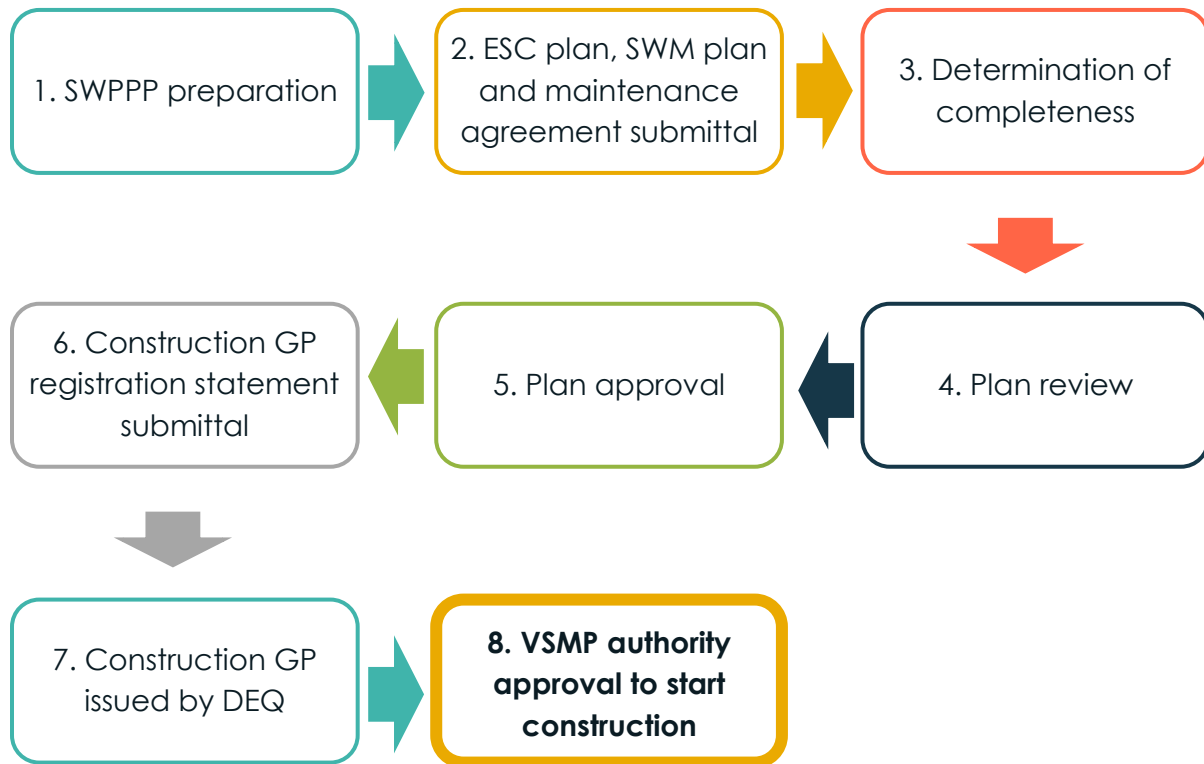
(62.1-44.15:34, 9VAC25-870-59, 9VAC25-880-30, 9VAC25-880-50)

An operator must submit a complete and accurate registration statement for Construction GP coverage, when applicable, to the VSMP authority before starting land disturbance. By signing the registration statement, the operator is certifying they have prepared a SWPPP with the required plan approvals.

The registration statement can be downloaded from:

<http://deq.virginia.gov/programs/water/stormwatermanagement/vsmpppermits/constructiongeneralpermit.aspx>

2g. Locality VSMP Authority Permit



LOCALITY VSMP AUTHORITY PERMIT REQUIREMENTS

(§62.1-44.15:27)

Locality VSMP authorities must issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law. The permit must also include a copy of or reference to the Construction GP.

A locality VSMP authority may only approve the start of land-disturbance ***after*** DEQ has issued the Construction GP. When the Construction GP is not required, authorization may be given after the required plans have been approved, initial terms of the long-term maintenance agreement have been submitted (as required), and any local fees have been paid (§62.1-44.15:27, 62.1-44.15:34).

NOTE:

A locality VSMP authority may choose to hold a pre-construction meeting with VSMP authority staff and the operator to discuss expectations, permit requirement, responsibilities, and to address any questions.

2h. Plan Review Documentation

DOCUMENTATION DURING PLAN REVIEW

Plan review includes two phases where proper documentation of the plan review findings is necessary:

- Completeness review
- Technical review

For both reviews, approval or denial must be documented in writing, provided to the applicant, and retained with the VSMP authority records as discussed below.

DOCUMENTATION DURING CONSTRUCTION

If the approved SWM plan requires modifications during construction and implementation, the plan review authority must document the review and approval or denial of the modifications in writing, provide the documentation to the permittee, and retain the records as discussed below.

DOCUMENTATION AT PROJECT COMPLETION

Following construction and submittal of the construction record drawings and NOT, the VSMP authority should document acceptance of the documents, provide documentation of acceptance to the permittee and DEQ, and maintain the documents in accordance with the reports and record keeping list below.

★ *A note about reports and record keeping* (9VAC25-870-126)

A VSMP authority must keep records in accordance with the following:

- Project records, including plan review comments, approved stormwater management plans and NOTs, must be kept for **three** years after construction
- Construction record drawings must be maintained **in perpetuity** or until a stormwater management **facility is removed**

DUTY OF THE OPERATOR TO PROVIDE INFORMATION

(§ 62.1-44.15:40)

The Board, DEQ, or the VSMP authority may require every permit applicant, every permittee, or any person subject to state permit requirements to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of their discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the Act.

Knowledge Check Questions

Answer the following questions with the reference from the Act and/or Regulations

1. What must permit applicants submit to the VSMP authority about permanent stormwater management facilities before the stormwater management plan can be approved?
2. If a project received permit coverage in May 2012, what technical criteria is the project subject to? How long is the project subject to the technical criteria?
3. If a non-grandfathered project received permit coverage in August 2015, what technical criteria is the project subject to? How long is the project submitted to the technical criteria?
4. Circle the condition(s) below that **prevents** a private land disturbing activity from being grandfathered:
 - Construction GP coverage was issued before July 1, 2014
 - Land disturbance started after July 1, 2014
 - A final site plan that provides a layout, complies with the Part II C technical criteria, has not been modified since approval, was approved by the locality after July 1, 2014
5. If a determination of completeness is not communicated to the applicant within the required timeframe, how long does the VSMP authority have to review the stormwater management plan?
6. What type of regulated land-disturbing activity requires coverage under the Construction GP, but does not need to submit a registration statement?